DEPARTMENT OF CORRECTIONS

Policy Number:	**103.270**
Title:	**Family and Medical Leave Act**
Effective Date:	**11/09/26~~xx/xx/xx~~**

PURPOSE: To provide guidance on how the Minnesota Department of Corrections (DOC) administers the provisions of the Federal Family and Medical Leave Act (FMLA), and the State of Minnesota, Minnesota Management and Budget (MMB) FMLA policy with additions.

APPLICABILITY: All employees

DEFINITIONS:

FMLA Response Letter – The FMLA approval notification along with the Designation Notice from the h~~H~~uman r~~R~~esources (HR) office, including such examples as: for whom (self, spouse, child, or parent) or birth/adoption; frequency and duration; and whether a Report of Workability/Fitness for Duty Certification is required.

PROCEDURES:

A. The DOC~~agency~~ follows Minnesota Management and Budget (MMB) Human Resources/Labor Relations Policy #1409, "~~"~~Family and Medical Leave Act (FMLA~~FLMA~~)~~"~~ with ~~agency~~ DOC additions specified in these procedures.

B. Employees must comply with the ~~agency's~~ DOC's normal call-in procedures as outlined in DOC Policy 103.035, "~~"~~Tardiness and Failure to Report to Work~~"~~ for FMLA-qualified absences.

C. Employees must submit a completed Certification of Health Care Provider form ~~(attached)~~ to h~~H~~uman r~~R~~esources (HR) within fifteen (15) calendar days from the receipt of the Notice of Eligibility and Rights & Responsibilities notice, or they may not receive the protections of the FMLA~~.~~ ~~(MMB HR/LR Policy #1409, Section IV. C).~~

D. If HR ~~staff~~ finds the submitted Certification of Health Care Provider form ~~is~~to be incomplete or insufficient, ~~they will return~~ the form will be returned to the employee to obtain additional information. The employee has seven (7) calendar days to provide complete and sufficient documentation and return it to HR. ~~-~~Employees must meet this deadline, or they may not receive the protections of the FMLA. ~~(MMB HR/LR Policy #1409, Section III. B. 3).~~

E. Certifications and re-certifications that are complete and sufficient may be subject to authentication and clarification. ~~-~~ Initial and annual certifications are subject to second and third medical opinions as set forth in the FMLA. ~~(MMB HR/LR Policy #1409, Section III. B. 3).~~

F. An employee returning from FMLA leave for the employee's own serious health condition must submit a Report of Workability/Fitness for Duty Certification, as outlined in DOC Policy 103.240 "Return to Work Process". ~~(attached).~~ The report/certificatione ~~is~~ to be completed by the

employee's health care provider who treated the particular condition for which the employee needed the FMLA leave~~,~~ and is to be submitted to HR~~M prior to~~before returning to work. Failure to submit the completed report/certification may result in a delay or denial of job reinstatement. ~~(MMB HR/LR Policy #1409, Section III. B. 5).~~

G. An employee approved for and utilizing intermittent FMLA leave must recertify a minimum of every six (6) months, in conjunction with a related absence. Re-certifications may be requested in less than six (6) month increments, based on provisions of the ~~Act~~ FMLA.
~~-~~(MMB HR/LR Policy #1409, Section III. B).

H. Designating leave and required notices ~~(see MMB HR/LR Policy #1409, Section III. C).~~

1. HR staff send the Designation Notice to notify the employee, the employee's supervisor, and payroll when an FMLA leave is approved or denied. If approved, the notice will include the FMLA response letter.

2. Once the FMLA response letter is issued, the employee and the employee's supervisor must review prior period absences to determine if they were correctly recorded on the time record(s). If time record amendments are required, see DOC Policy 104.450, ~~"~~Payroll, Leave, and Overtime Requests.~~"~~

3. While on an approved FMLA leave, the employee cannot participate in activities that would cast doubt on the validity or need for the FMLA leave. An employee determined to be misusing or abusing FMLA leave is subject to ~~lose~~losing the employee's job restoration rights under the FMLA~~Act~~ and/or disciplinary action, up to and including ~~discharge~~ termination.

4. Employees must accurately record all FMLA absences using the appropriate FMLA earn codes on their time sheets~~,records~~ and the supervisors must verify them for accuracy in accordance with existing FMLA policies and~~/~~ procedures. The most common FMLA earn codes used include the following (additional codes are available; please consult with HR for determination):

    a) FMS, Family Medical Leave – Sick Leave;

    b) FMV, Family Medical Leave – Vacation Leave;

    ~~a) FML, Family Medical Leave – No Pay~~
    c) FML, Family Medical Leave – No Pay; and

    d) FPL, Family Medical Leave – Paid Parental Leave.
    ~~b) FMC, Family Medical Leave – Compensatory time~~

5. Employees must notify HR of any needed changes in the FMLA response letter.

~~5.~~6. ~~-~~Employees must notify HR in writing if they will be on FMLA unpaid status for at least one full pay period or longer.

~~6.~~7. Employees~~'~~ failure to notify their supervisors and ~~W~~watch ~~C~~commanders (if security personnel) of the need for an extension of their approved leave and/or that they have

submitted new FMLA paperwork to HR may be considered job abandonment and deemed a voluntary resignation of employment.

~~Employee leave requests/responses, Certification of Health Care Provider forms and Report of Workability/Fitness for Duty forms are maintained in HR in the employee's medical file.~~

INTERNAL CONTROLS:

A. ~~A.~~ Employee leave requests and~~/~~ responses, Certification of Health Care Provider forms, and Report of Workability/Fitness for duty forms are retained ~~in HR in the employee's medical file~~within human resources.

STATE CORRECTIONAL FACILITY SECURITY AUDIT STANDARDS: None

REFERENCES:

MMB HR/LR Policy #1409, "Family and Medical Leave Act (FMLA)"
Collective ~~b~~Bargaining ~~a~~Agreements
Department of Labor Federal Register, 29 CFR, part 825. *The Family and Medical Leave Act of 1993.*
Federal Family and Medical Leave Act of 1993/2008
U.S. Department of Labor FMLA Overview
U.S. Government Publishing Office (GPO) Electronic Code of Federal Regulations (Title 29, Subtitle B, Chapter V, Subchapter C, Part 825)
~~Statewide Policy on FMLA-MMB HR/LR Policy 1409, Family Medical Leave Act~~
MMB FMLA General Memo #2014-6, "FMLA Guidance"
Policy 103.280, "Sick Leave Management"
Policy 103.240, "Return to Work Process"
Policy 104.450, "Payroll, Leave, and Overtime Requests"
Policy 103.241, "Workers' Compensation"

REPLACES: Policy 103.270, "Family and Medical Leave Act," ~~6/20/17~~07/16/2019
All facility policies, memos, or other communications, whether verbal, written, or transmitted by electronic means, regarding this topic.

ATTACHMENTS: None~~Certification of Health Care Provider (103.270A)~~
~~Report of Workability/Fitness for Duty Certification (103.270B)~~

APPROVAL:

Commissioner of Corrections
~~Deputy Commissioner, Chief of Staff~~Community Services
~~Deputy Commissioner, Client Services and Supports~~Facility Services
~~Assistant Commissioner, Operations Support~~Agency Services and Support
~~Assistant Commissioner, Facility Services~~